

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

REGIONS BANK,

Plaintiff,

v.

ADVANCED CARWASH TECHNOLOGIES, )  
LLC, )

Defendant. )

No. 4:12-CV-888 CAS

**MEMORANDUM AND ORDER**

This matter is before the Court on defense attorneys Spencer Desai and Ryan Mason of the law firm Desai Eggmann Mason LLC's motion for leave to withdraw. For the following reasons, the motion will be granted.

**Withdrawal of Defense Counsel**

On April 16, 2013, the Court held a hearing on defense counsel's motion to withdraw. The motion was unopposed. On April 17, 2013, the Court held defense counsel's motion for leave to withdraw in abeyance and imposed a notice of withdrawal period until May 8, 2013. See Doc. 54. The Court ordered defendant Advanced Carwash Technologies, LLC to obtain substitute counsel no later than May 8, 2013. The Court also stated that defense counsel would be allowed to withdraw on May 8, 2013, or upon the entry of substitute counsel. Because defendant has not obtained substitute counsel by the deadline imposed, and has received adequate notice that the Court would permit its attorneys to withdraw from representation in this matter, the Court will grant defense counsel's motion to withdraw from representation of the defendant in this matter.

### **Default by Corporate Defendant**

A corporation is an artificial entity that can only act through agents, cannot appear pro se, and must be represented by counsel. Rowland v. California Men's Colony, 506 U.S. 194, 201-02 (1993). "Entry of a default judgment is appropriate where a defendant corporation fails to comply with a court order to obtain counsel." Woods v. KC Masterpiece, No. 4:04-CV-936 CAS, slip op. at 1 (E.D. Mo. May 14, 2006) (quoting R. Maganlal & Co. v. M.G. Chem. Co., Inc., No. 88 CIV. 4896 MJL THK, 1996 WL 715526 at \*2 (S.D.N.Y. Dec. 12, 1996)); see Top Sales, Inc. v. Designer Vans, Inc., No. CIV.A. 3:96-CV-0721, 1997 WL 786254 at \*2 (N.D. Tex. Dec. 11, 1997) (court grants counsel's motion to withdraw and orders defendant corporation to retain substitute counsel or risk having its pleadings stricken and default judgment entered against it).

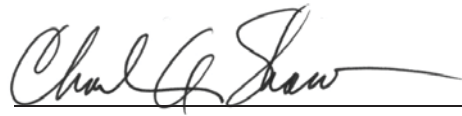
In the Memorandum and Order of April 17, 2013, the Court informed defendant that default judgment may be entered against it if defendant failed to obtain substitute counsel. As stated above, defendant has not obtained substitute counsel, and the Court has permitted former defense counsel to withdraw. Therefore, the Court will order plaintiff to file motions to strike defendant's pleadings, for clerk's entry of default and, if appropriate, for default judgment, within twenty days of the date of this order.

Accordingly,

**IT IS HEREBY ORDERED** that attorneys Spencer Desai and Ryan Mason and the law firm of Desai Eggmann Mason, LLC's motion to withdraw as counsel of record for defendant Advanced Carwash Technologies, LLC is **GRANTED**. [Doc. 50]

**IT IS FURTHER ORDERED** that attorneys Spencer Desai and Ryan Mason and the law firm of Desai Eggmann Mason, LLC are granted leave to withdrawn from the representation of defendant Advanced Carwash Technologies, LLC in this matter.

**IT IS FURTHER ORDERED** that within twenty (20) days of this order, plaintiff shall file separate motions to strike defendant Advanced Carwash Technologies, LLC's pleadings, for clerk's entry of default and, if appropriate, for default judgment, along with all necessary supporting documentation and proposed order(s).

  
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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 9th day of May, 2013.